

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

-----X
NATIONAL EVALUATION SYSTEMS,)
INC.,)
)
Plaintiff,)
)
v.)
)
NES, LLC d/b/a NATIONAL)
EDUCATIONAL SERVICE,)
)
Defendant.)
-----X

Civil Action No. 05-30081-KPN

**DEFENDANT'S MOTION FOR EXTENSION
OF TIME TO FILE AN ANSWER OR OTHER RESPONSIVE PLEADING**

Defendant, NES, LLC d/b/a National Educational Service (“Defendant”) respectfully submits this motion for a 20-day extension of time in which to file its answer or other responsive pleading, namely, to May 25, 2005.

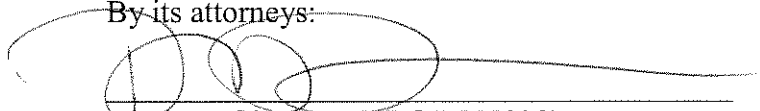
As set forth in the accompanying Memorandum of Law, which is specifically incorporated herein by reference, the above-captioned action has effectively been settled, as Defendant has agreed to cease use of the mark "NES," which is the subject of the complaint filed by Plaintiff, National Evaluation Systems, Inc. ("Plaintiff"). Accordingly, the controversy between the parties has been fully resolved, and the parties are working together to finalize a settlement agreement. Defendant is requesting a 20-day extension to preserve its right to file an answer or other responsive pleading while the parties concentrate their efforts on finalizing the settlement agreement. Plaintiff has refused to consent to the requested extension, necessitating this motion.

For the foregoing reasons, Defendant requests that the deadline for filing its answer be extended to May 25, 2005.

Respectfully submitted,

NES, LLC D/B/A
NATIONAL EDUCATIONAL SERVICE

By its attorneys:

A handwritten signature in dark ink, appearing to read 'Drane DeGiacomo', is written over a horizontal line. The signature is stylized with loops and a long tail.

Drane DeGiacomo (BBO# 555930)

David E. Valicenti (BBO #632980)

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Dated: May 5, 2005

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